

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7478 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

BHARATJI SHAKARJI THAKORE

Versus

COMMISSIONER OF POLICE

Appearance:

Ms. Banna Datta for Mr Mr ANIL S DAVE for Petitioner
Mr K M Mehta, AGP for Respondent No. 1, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 05/11/96

ORAL JUDGEMENT

I have heard Ms. Banna Datta, learned Advocate for the petitioner and Mr K M Mehta, learned AGP.

2. It is contended that simply because some cases have been registered against the petitioner for offences under the Bombay Prohibition Act, 1949, it cannot be said that the activities of the petitioner are prejudicial to the maintenance of public order. Reliance is placed on a decision in the case of Piyush v. Commissioner of

Police, Ahmedabad, reported in AIR 1989 SC 491. I have perused the material available on record with the assistance of the learned counsel. There is nothing on record to show that the activities as a bootlegger has adversely affected or likely to affect maintenance of public order. In view of this, the order of detention cannot be sustained.

3. In the result, this Special Civil Application is allowed. The order of detention dated 25.7.1996 is quashed and set aside. The petitioner shall be released forthwith if not required for any other case.

Rule made absolute accordingly.

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